

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Guadalupe CASTILLO-Vidana,

Defendant

08 APR 11 PM 12:38
Magistrate Docket No. **08 MJ 1116**


ECCL
COMPLAINT FOR VIOLATION OF:

Title 8, U.S.C., Section 1326
Deported Alien Found in the
United States

The undersigned complainant, being duly sworn, states:

On or about **April 10, 2008** within the Southern District of California, defendant, **Guadalupe CASTILLO-Vidana**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.


SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 11th DAY OF APRIL 2008


Ruben B. Brooks
UNITED STATES MAGISTRATE JUDGE

PROBABLE CAUSE STATEMENT

On April 10, 2008 Senior Patrol Agent V. Stanfill was performing his patrol duties near Otay Mesa, California. At approximately 9:00 A.M. Senior Patrol Agent V. Chavez advised via bureau radio that he observed an individual walking along an area known as the "25 Saddle." This area is approximately three miles east and five hundred yards north of the Otay Mesa, California Port of Entry.

Agent Stanfill drove his marked service vehicle to an area known as "West Goldmine" which is a small canyon leading to the location where the individual was observed. Agent Stanfill began walking northbound toward the 25 Saddle while checking the brush along the way. Approximately one hundred yards south of the 25 Saddle Agent Stanfill observed an individual hiding.

Agent Stanfill approached the individual and identified himself as a Border Patrol Agent and conducted an immigration inspection. The individual, later identified as the defendant **Guadalupe CASTILLO-Vidana**, stated that he is a citizen and national of Mexico without any immigration documents allowing him to enter or remain in the United States legally. At approximately 9:30 A.M. Agent Stanfill placed the defendant under arrest and had him transported to the Chula Vista Border Patrol Station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico** on **November 3, 2007** through **San Ysidro, California**. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.